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In re Application of
TOORN
Application No.: 10/575,639
PCT No.: PCT/EP2004/052204
Int. Filing Date: 16 September 2004
Priority Date: 15 October 2003
Attorney's Docket No.: 956413
For: DEVICE HAVING A JOYSTICK KEYPAD

DECISION

This decision is in response to applicant's submission filed 15 October 2007 in the United States Patent and Trademark Office (USPTO), which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 16 September 2004, applicants filed international application PCT/EP2004/052204, which designated the U.S. and claimed a priority date of 15 October 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 06 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 April 2006 (15 April 2006 being a Saturday).

On 13 April 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of a declaration under PCT Rule 4.17(iv).

On 06 December 2006, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. This NOTIFICATION set a two month extendable period for reply.

On 18 December 2006, applicant filed the instant submission which indicated that a declaration under PCT Rule 4.17(iv) had been submitted in the international phase. This submission has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

Applicant in effect requests that the NOTIFICATION OF MISSING REQUIREMENTS be vacated and the declaration filed under PCT Rule 4.17(iv) be accepted. The NOTIFICATION

OF MISSING REQUIREMENTS indicated that a declaration of inventorship was required. However, as set forth in applicants' submission filed 18 December 2006, a declaration of inventorship under PCT Rule 4.17 having an electronic signature was filed in the international application within the time limit under PCT Rule 26ter.1. This declaration is acceptable. Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS mailed is hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF MISSING REQUIREMENTS mailed 06 December 2006 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

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